

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

CIVIL ACTION NO. _____

ANN BENSON and
BRIAN BENSON

Plaintiffs,

vs.

ANTERPREET DUA, MD,

Defendant.

COMPLAINT

Jury Trial Demanded

The Plaintiffs, complaining of the Defendants, allege and state as follows:

1. The Plaintiff Ann Benson (“Mrs. Benson”) is a citizen and resident of the State of South Carolina.
2. The Plaintiff Brian Benson (“Mr. Benson”) is a citizen and resident of the State of South Carolina.
3. At all times relevant to the matters alleged herein, Mrs. Benson and Mr. Benson were married and living together as husband and wife.
4. The Defendant Anterpreet Dua, MD (“Dr. Dua”) is a citizen and resident of the State of Georgia.
5. This court has jurisdiction over this action in that it is a dispute between citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. *See*, 28 U.S.C. §1332.
6. Venue of this action in this district is appropriate because a substantial part of the events or omissions giving rise to the claim occurred in South Carolina. *See*, 28 U.S.C. §1391(b)(2).

7. This court has jurisdiction over the person of the Defendant in that the claims and causes of action alleged herein arise out of the Defendant's activities, which were purposely directed at residents of South Carolina.
8. Mrs. Benson entered into a physician-patient relationship with Dr. Dua whereby he undertook to treat her for a neck ailment by *inter alia* administering epidural steroid injections into her cervical spine.
9. During one such injection, Dr. Dua placed the injection needle into an improper anatomic position, so that the medication went into the wrong space, resulting in Mrs. Benson suffering a spinal cord injury with significant neurological damage.
10. Pursuant to S.C. CODE ANN. §15-36-100 (Code 1976 as amended), attached hereto and incorporated herein by reference is the Affidavit of Robert A. Savala, MD, describing at least one negligent act or omission determined to have occurred, based upon a review of Mrs. Benson's available medical records.
- 11 Other negligent acts or omissions by Dr. Dua may be identified through the course of discovery.
12. Pursuant to S.C. CODE ANN. §15-79-125 (Code 1976 as amended), a Notice of Intent to File Suit has previously been filed and served upon Dr. Dua who, despite multiple requests to his representatives, has refused to cooperate in scheduling a pre-suit mediation.
13. Mrs Benson and Mr. Benson have suffered actual harms and losses as a direct and proximate result of Dr. Dua's negligence, in the form of bodily injury, pain, suffering, loss of enjoyment of life, mental anguish, psychological trauma, loss of consortium, medical expenses, and other legally cognizable harms and losses.
14. Mrs. Benson and Mr. Benson are each entitled to recover actual damages from Dr. Dua in

an amount to be determined by the trier of fact.

WHEREFORE the Plaintiffs Ann Benson and Brian Benson pray for judgment against the Defendant Anterpreet Dua, MD in an amount of actual damages to be determined by the trier of fact, together with the costs of this action; and for such further legal and equitable relief as the Court deems just and proper.

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